1	KEVIN V. RYAN (CSBN 118321) United States Attorney
2	MARK L. KROTOSKI (CSBN 138549) Chief, Criminal Division
4 5	PETER B. AXELROD (CSBN 190843) LAUREL BEELER (CSBN 187656) Assistant United States Attorneys
6 7 8 9	450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-6774 Facsimile: (415) 436-7234 Attorneys for Plaintiff
10	UNITED STATES DISTRICT COURT
11	NORTHERN DISTRICT OF CALIFORNIA
12	SAN FRANCISCO DIVISION
13	
14	UNITED STATES OF AMERICA,) No. CR 05-00395 CRB
15	Plaintiff, REQUEST, STIPULATION AND ORDER
16	$\left\{ \begin{array}{c} v. \end{array} \right\}$
17	JIMMY GONG YAN LEE,
18	Defendant.
19	This matter is currently on the Court's calendar for June 7, 2006. Through counsel,
20	defendant Jimmy Gong Yan Lee and the United States ask the Court to (a) vacate the June 7,
21	2006 date based on the defendant's anticipated plea agreement, (b) set a date of July 12, 2006 for
22	change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7,
23	2006, to July 12, 2006.
24	1. The parties are currently working out the language of a plea agreement and request that the
25	Court set the matter for July 12, 2006, for change-of-plea.
26	2. The parties agree that the time between June 7, 2006 and July 12, 2006 should be
27 28	excluded from the Speedy Trial clock. Previously, the Court has declared this case complex.
20	ORDER CR 05-00395 CRB

See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel is investigating the immigration consequences of a plea. That matter needs a short amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from June 7, 2006 to July 12, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

June 2, 2006

DATE

PETER B. AXELROD

LAUREL BEELER

Assistant United States Attorneys

June 2, 2006 /S/ ALAN DRESSLER

DATE ALAN DRESSLER

Attorney for Jimmy Gong Yan Lee

For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7, 2006, hearing date for defendant Jimmy Gong Yan Lee based on the anticipated plea agreement, (b) sets the matter for change-of-plea on July 12, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to July 12, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under

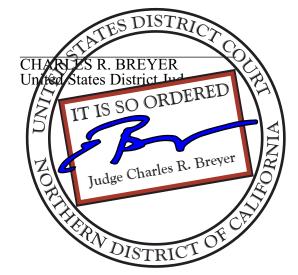
ORDER

> ORDER CR 05-00395 CRB

Case 3:05-cr-00395-CRB Document 349 Filed 06/05/06 Page 3 of 3

18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv). IT IS SO ORDERED.

DATED: June 5, 2006



ORDER CR 05-00395 CRB